

Minutes: Probation Services Task Force Meeting
Location: Administrative Office of the Courts, San Francisco
Date: 9/29/00 9:30 a.m. to 1:30 p.m.

Attendance: Chief Justice Ronald M. George, Mr. William Vickery, Hon. Patricia Bamattre-Manoukian, Hon. Juan Arambula, Hon. Denny Bungarz, Ms. June Clark, Mr. Alan M. Crogan, Mr. William H. Davidson, Ms. Audrey Evje, Ms. Shiela Gonzalez, Ms. Elizabeth Howard Mr. Bryce Johnson, Mr. Phil Kader, Mr. Peter Kiefer, Hon. William S. Lebov, Mr. Rubin Lopez, Mr. Bill Mahoney, Hon. Kevin M. McCarthy, Mr. Ralph Miller, Hon. Mike Nevin, Ms. Diane Nunn, Hon. Fank J. Ochoa, Mr. John P. Rhoads, Mr. Michael Roddy, Ms. Jenny Walter, Mr. Joshua Weinstein, Mr. Jeff Winick

I. Opening Remarks by Mr. William M. Vickery

- Adult and juvenile probation services have been the subject of great deal of debate and concern among counties, courts, and policymakers
- Currently, in 51 counties the court appoints the Chief Probation Officer (CPO); remaining counties: address issues CPO may have. Broad charge of issues, look at full range of issues. Nature of services provided, relationship w/ court and county and responsibilities.
- 6 appointed by Board of Supervisors (some with concurrence of court)
- 1 appointed by Mayor's Commission (San Francisco)
- In Marin County there is negotiation between court and county on the appointment process.
- There have been several legislative attempts to make statewide uniform appointment authority of the CPOs.
- Given legislative efforts and the debate, the time is right to examine appointment of the CPO, services offered by probation, and caseload standards.
- The Task Force was created by the Judicial Council and CSAC. The purpose of the task force is to assess programs, services, organizational structures, and funding relating to probation services provided by counties to the courts, probationers and the general public.
- Broad issues for task force to identify and evaluate:
- Current practices & options for funding.

- Nature & scope of probation services.
- Practices & options for the appointment & accountability of CPO.
- Practices of other jurisdictions with regard to:
- Range and level of probation services.
- Organizational structure and funding.

We will try to provide to you any resources you need in a reasonable amount of time. Staff and consultants will be made available to you in your meetings and deliberations throughout the year.

We hope to achieve a comprehensive report that will provide both your general findings about issues in our state, recommendations that we can send back to your Counties, Organizations, Probation Chiefs, Probation Officers, hopefully with a consensus that would allow us if we need to move forward, whether it's by initiatives, by joint agreements of cooperation or legislation.

II. Introductions by Members of the Task Force

Final Report Deadline is September of 2001.

III. Remarks from Chief Justice Ronald M. George

Task Force is a joint creation of the Judicial Council and CSAC.

Role of Judicial Council

Relationship of probation to courts

- traditionally arm of courts
- vital role probation plays in courts

Problem solving courts resolution (we need a copy of the resolution) and how probation plays a key role w/ problem solving courts

In light of trial court funding and unification of muni and superior unification this is a natural time to examine the general governance and funding issues related to probation and in doing so examine role of probation and clear view of the range of services it provides

Task force was created to look at:

- Range of services offered provided by juvenile and adult probation departments statewide.
- Processes used to select Chief Probation Officers
- Caseload distribution and management
- Funding mechanisms used to support probation departments in the various counties.

All options and all solutions are on the table so long as they meet the goal of vision

Unique relationship of probation to courts

Advent of problem solving courts—courts are called into play vital role of probation in area, better to strengthen relationship rather than reinvent such relationship by other means

PSTF:

- why it was created
- product of cooperation btwn CSAC and AOC
- Interest in making government work

Introductory remarks for Justice Patricia Bamattre-Manoukian.

Looking forward to receiving the PSTF report

IV. Remarks by Rubin Lopez

Thank you for opportunity to speak, I wanted to extend my apologies to you on behalf of Steve Szalay who is unable to attend this meeting. We have three CSAC members that are all at the same meeting in Southern California, Barbara McIver, Steve Szalay and Micheal Johnson they were going to try and catch a flight this morning up here, but the meeting went longer than expected.

Would like to have the opportunity to perspective CSAC and the relevance towards PSTF, as stated before this is an opportunity to examine what the real relationship should be in regards to Probation Services from all our perspectives, from the probation department, their officers, their leadership, county perspective, CSAC and from the AOC JUDICIAL COUNCIL and the judges who sit and have

to manage and have to deal with the day to day problems caused by lack of services provided at the local level. We want to point out from our perspective there has been an ongoing tension relative to probation services for a long time, prior to even Trial Court Funding there was always a question of who should have responsibility for appointing the Chief Probation Officer, an ongoing problem, funding was an ongoing problem, and we all know that, all of our services have to be cut, we look for where the services have to be cut at the local level, just like they do at the state level, just like they do in your court system now managing your own budget system. When ERAP occurred we cut everything and we know that probation suffered as a result of that. Not much has changed relative to the perspective of the funding that is available because ERAP still is with the state, but never the less it is included, no doubt trial court funding was the greatest system to us financially, because that means we have services and revenues available by old services that we need and know we need. When we calculated, I was very surprised when someone gave me a chart the other day. Nine percent of ERAP is lost through trial court funding, that's all. We still are losing over \$1 billion a year, relative to the lawsuits we suffered because of ERAP. That doesn't solve the problem, we know we need to provide the services, we know we have to find creative ways to provide the services, so we still look at ways of doing it, even when money is short, we will continue to do that, history has pointed out that this working group resulted from some tension, I think some of it was motivated by our sponsorship of legislation which would have reassessed who should have the authority to select Probation Officers, maybe 1303, which passed one house and which I wasn't persuasive enough and didn't pass the second house because you were persuasive as well.

Our leadership along with the Chief Justice met on this and said, "Well we could continue to fight legislatively to see who can succeed in this". I think a better or wiser approach was to create this working group to come together with the cooperative effort to find out what is the best way of handling Probation Services from a number of perspectives, not just appointment of the CPO, but from every other type, from funding, to proper level of services, to who is responsible for providing those services, fiscally and administratively, I think that is the approach that we should pursue because it has proven successful. AB233 Trial Court Funding would never have been achieved unless courts, the counties, and the unions got together and said, "It can be done, and we'll do it". The subsequent legislation 2140 would never have passed the legislature which transfers responsibility, which creates the existence of an employee governing system within the court system for court employees, it would never have passed two houses, and have an employee governing system today without that cooperation. In regard to funding were seeing now that there maybe some glimmer of hope, I'm not saying there's a solution, but a glimmer of hope relative to additional funding for something other than detention in handling our justice problem. Probation money

for at least juveniles would provide in a sizeable amount this year, of \$121M. I think a lesson from that was they are motivating us and forcing us to work from an interdisciplinary approach to create programs than just an inter-agency approach, I think if we take a lesson from that and learn from that that we might be able to succeed in a broader range of services relative to what probation should look like in the year 2000. Who should provide those services, if we do it cooperatively, our voice will be louder, than if we do it separately, and sometimes at cross-purposes.

I am very much looking forward to working with you, again Elizabeth and I will be available on the CSAC perspective to work in this group and do whatever is necessary to make sure it succeeds and we look forward to it, and Steve Szaley, by his absence, is no indication of his lack of commitment to the success of this organization. I just wanted to reiterate that.

V. Remarks by Justice Patricia Bamattre-Manoukian, Chair

I really want to welcome you here today, I really feel we have a monumental opportunity to look at probation in the State of California and to my knowledge this has never been done before. It's the first time for a monumental cooperative undertaking in Probation Services. Before I was asked to chair the task force a lot has gone on as you have heard about and a lot of thought was put into the composition of the task force and I was really concerned when Bill asked me to chair the task force, that I was clear on the charge of the Task Force, so I have gone over, almost on a daily basis,

The charge of the Task Force which is huge and that is to assess

- **all the programs**
- **all the services**
- **all the organizational structures**
- **the funding**
- **the selection of the CPO**
- **and every issue related to the delivery of Probation Services in the state of California.**

- **In addition to that, the charge also encompasses all of the relationship claims that pertain to inner growth of probation.**

I've been sending the charge to the task force and examining the composition of the task force and as you probably all know, I am a non-voting chair, so my goal is

to facilitate the discussion and to facilitate the direction of the task force, I was very aware of the many appointments and I realize the broad perspective and different viewpoints that everyone brings to the task force. There was a great concern in the beginning and a concern more about the work that has been done to prepare the task force and the materials for the task force, there was a great concern that rural and urban, north and south, different needs of the different counties, selection of the probation officer in the different counties, and so attention was paid to all of these areas. And I think that the Task Force really represents quite well, the varied interests of the entire State of California. My background in probation has been long and I have dealt a great deal with the line officers and have the greatest respect and concern for the line officers and I keep reminding myself that these recommendations while global in nature are going to effect the line officers who deliver service, they are going to effect the courts, the victims, the communities, and the individual government, so I keep reminding myself things that have worked in the court and in the district attorney's office. Every case is important, every person is important, and every victim, every line officer is important and we don't want to loose sight of that in the work of the Task Force. So that the report that we have been asked to prepare the recommendations we have been asked to make, should really be accountable to everyone in probation. We know that our report next September, which is less than a year away, will be something we're all proud of. So I really hope to facilitate the work of the task force.

I worked with probation as a district attorney for approximately 1 year and in hindsight now for the last two years I worked with probation in municipal court, where I handled thousands and thousands of cases, every type of felony you can imagine, I've read thousands and thousands of probation reports, I've done probation calendars, and most recently in the court of appeal. I've really been removed from the day to day interfaces with probation officers. We do read the probation issues constantly on appeal. Every criminal case appealed, generally has probation

And so I feel as though I'm quite familiar with, though slightly removed from, the day to day operations of the probation departments. I have just the greatest and most profound respect for probation department and it is a great honor to be asked to chair this committee. I have Rubin Lopez's card and phone number immediately available to me, and he has promised that he and or Elizabeth will be at all of our meetings, and June will hopefully be at all of our meetings. And we have great, great support staff, this task force has the ability to direct and to look at areas of concerns of all of us and to reflect the areas where we feel we may be withheld or areas where we need more information. Later today we will become aware of all the information that needs to be put together and to request

information for the task force and we really have the resources with whatever help or whatever information you may need.

What I thought we might do to begin the discussion is to basically take a look at the year to come and to talk about the way we want to progress with any issues we have before us. I've talked a lot to the Court Staff of the AOC and we looked at the following:

Services and Standards

Other

Relationships